

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SAP AG and SAP AMERICA, INC.,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

Civil Case No.: 11-cv-2648-UA

ECF CASE

**MOTION TO ADMIT COUNSEL
*PRO HAC VICE***

PURSUANT TO RULE 1.3c of the Local Rules of the United States District Courts for the Southern and Western Districts of New York, I, Timothy J. Haller, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

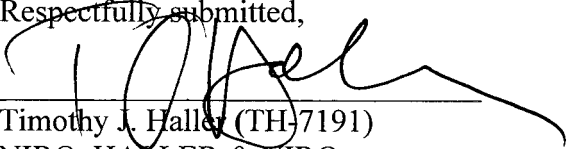
Applicant's Name: GABRIEL I. OPATKEN
Firm Name: NIRO, HALLER & NIRO
Address: 181 West Madison Street, Suite 4600
City/State/Zip: Chicago, IL. 60602
Phone Number: 312-236-0733
Fax Number: 312-236-3137
E Mail: gopatken@nshn.com

2011 APR 28 PM 3:45
S.D. OF N.Y.

Gabriel I. Opatken is a member in good standing of the Bar of the State of Illinois. There are no pending disciplinary proceedings against Gabriel I. Opatken in any State or Federal Court.

DATED: Chicago, Illinois
April 27, 2011

Respectfully submitted,


Timothy J. Haller (TH-7191)
NIRO, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, IL 60602
Telephone: (312) 236-0733
Fax: (312) 236-3137
E-mail: haller@nshn.com

Attorney for Defendant

APR 28 2011

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 27, 2011, the foregoing document was submitted to the Clerk of the Court via Federal Express for filing. The foregoing was also served upon the following counsel of record by e-mail transmission on this same date.

Steven J. Rocci
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Attorneys for Plaintiff SAP AG and SAP America, Inc.



Attorneys for Defendant DataTern, Inc.
NIRO, HALLER & NIRO

CERTIFICATE OF GOOD STANDING



United States of America

}ss. Gabriel I Opatken

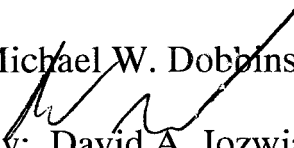
Northern District of Illinois

I, Michael W. Dobbins, Clerk of the United States District Court
for the Northern District of Illinois,

DO HEREBY CERTIFY That Gabriel I Opatken
was duly admitted to practice in said Court on (01/03/2011)
and is in good standing as a member of the bar of said court.

Dated at Chicago, Illinois
on (04/27/2011)

Michael W. Dobbins, Clerk,

By:  David A. Jozwiak
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
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**AFFIDAVIT OF TIMOTHY J. HALLER
IN SUPPORT OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

State of Illinois)
) ss:
County of Cook)

TIMOTHY J. HALLER, being duly sworn, hereby deposes and says as follows:

1. I am the attorney at Niro, Haller & Niro, and counsel for Defendant in the above-captioned action. I am familiar with proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit GABRIEL I. OPATKEN as counsel *pro hac vice* to represent defendant in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in New York on March 7, 1975. I am also admitted to the United States District Court for the Southern District of New York on February 4, 2003, The Northern District of Illinois and The Southern District of Florida and am in good standing with this Court.

3. I have known Gabriel I. Opatken since May of 2009.

4. Gabriel I. Opatken is an associate at Niro, Haller & Niro at 181 West Madison Street, Suite 4600, Chicago, Illinois 60602.

5. I have found Gabriel I. Opatken to be a skilled attorney and a person of integrity. He is highly experienced in federal practice and is extremely familiar with the Federal Rules of

Procedure.

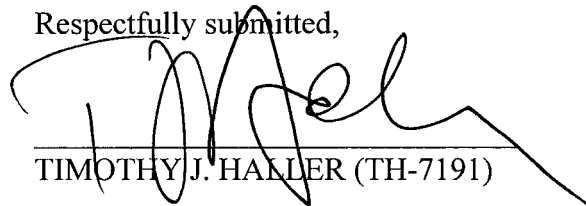
6. Accordingly, I am pleased to move the admission of Gabriel I. Opatken, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Gabriel I. Opatken *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit, Gabriel I. Opatken, *pro hac vice*, to represent Defendant in the above-captioned matter, be granted.

DATED: Chicago, Illinois
April 27, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'THALLER', is written over a horizontal line. The signature is fluid and cursive.

TIMOTHY J. HALLER (TH-7191)

EXHIBIT A

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FOR THE SOUTHERN DISTRICT OF NEW YORK

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v.

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**ORDER FOR ADMISSION *PRO HAC*
VICE ON WRITTEN MOTION**

UPON THE MOTION of TIMOTHY J. HALLER, attorney for DataTern, Inc., and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: GABRIEL I. OPATKEN
Firm Name: NIRO, HALLER & NIRO
Address: 181 West Madison Street, Suite 4600
City/State/Zip: Chicago, IL, 60602
Telephone/Fax: (312) 377-3210 / (312) 236-3137
E-mail Address: gopatken@nshn.com

is admitted to practice *pro hac vice* as counsel for DataTern, Inc. in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

DATED: Chicago, Illinois
April 27, 2011

United States District Court Judge